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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) CASE NO. CR 19-116 RS
Plaintiff,)
v.) STIPULATION AND ORDER TO CONTINUE
JOHNNY EARL HENDERSON,) APPEARANCE AND EXCLUDE TIME
Defendant.) UNDER THE SPEEDY TRIAL ACT

On August 27, 2019, the parties appeared before this Court for a status conference. The parties set a change of plea or a hearing to set dates for further proceedings on September 17, 2019. Discussions between the government and defense counsel are ongoing; the government is preparing a reverse proffer and the parties believe that more time would be helpful to determining whether the case can be resolved pre-trial. Accordingly, the parties request that the current appearance scheduled for September 17, 2019 be continued until October 8, 2019. In addition, the parties believe that it is appropriate to exclude time under the Speedy Trial Act from September 17, 2019 to October 8, 2019, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv). The parties agree to the exclusion of time under the Speedy Trial Act to allow for effective preparation of defense counsel, and because failure to grant the continuance would unreasonably deny the defendant the effective preparation and continuity of counsel. 18 U.S.C. §

1 3161(h)(7)(A), (B)(iv). The parties agree that the ends of justice are served by granting the continuance
2 and outweigh the interests of the public and the defendant in a speedy trial.

3 SO STIPULATED:

4 DAVID L. ANDERSON
5 United States Attorney

6 DATED: September 12, 2019

7 /s/
8 ROSS WEINGARTEN
9 Assistant United States Attorney

10 DATED: September 12, 2019

11 /s/
12 MICHAEL SHEPARD
13 Attorney for the Defendant

ORDER

Based on the reasons stated on the record and in the stipulation of the parties above, the Court hereby FINDS that the exclusion of time from September 17, 2019 to October 8, 2019 (inclusive) is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A). The failure to grant the requested continuance would deny defendant effective preparation and continuity of counsel. 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv). The Court continues the next appearance in this case until October 8, 2019.

DATED: 9/13/19


HON. RICHARD SEEBOORG
United States District Judge